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Little Rock and Fort Smith Railroad lands.

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LITTLE ROCK AND FORT SMITH RAILROAD LANDS.

MAY 3, 1882.—Laid on the table and ordered to be printed.

Mr. REED, from the Committee on the Judiciary, submitted the following

REPORT:

The Committee on the Judiciary, to whom were referred sundry bills relating to the forfeiture of land grants to certain railroads, having had the same under consideration, desire to report in part as to the Little Rock and Fort Smith Railroad.

The Little Rock and Fort Smith Railroad should have been completed May 13, 1877, under the provisions of the act of July 28, 1866.

The Secretary of the Interior, in Executive Document 144, first session Forty-seventh Congress, states that—

The road was fully completed from Little Rock to a point on the Arkansas River, opposite Fort Smith, prior to August, 1876, but as a small portion of the road (1.92 miles) was found to lie within the Indian Territory, the department declined to accept such portion of the road. The Commissioner of Indian Affairs subsequently required the company to remove their road from the Territory. In consequence of this action, 5.73 miles of the road were not completed within the time required by the act. This section of 5.73 miles was accepted by the then Secretary of the Interior February 25, 1879.

This office has always considered and treated this road as having been constructed in time.

We find upon investigation that the 1.92 miles were constructed by the company under the belief that they had such a consent on the part of the Indians as made the construction legal. When the department decided adversely to this view and required them to remove the track, it was done and the road built into Fort Smith by another route, which was 5.73 miles long, which new route was accepted by the Land Office and the Secretary of the Interior.

January 9, 1882, the Secretary of the Interior approved of two lists containing, respectively, 139,567.37 acres and 720 acres, which added to the amount heretofore certified and patented would be sufficient to satisfy the grant. These lands, however, have not been patented to the company on account of the introduction of the bills referred to us.

We are informed that the company have nearly completed the sale of the lands in question to parties who will cause their settlement by emigrants, but that the sale is delayed because the proposed grantees decline to accept any other title than that which is founded on a United States patent.

Under this state of facts your committee deem it right to report that no fact has been presented to them, and no reason suggested, why the Secretary of the Interior should not issue to the Little Rock and Fort Smith Company any patents of lands which by law he decides that they have earned.